
**NONLINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY
WELFARE-TO-WORK**

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CHAPTER 42-700 WELFARE-TO-WORK

42-701 INTRODUCTION TO WELFARE-TO-WORK

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.1 Background

AB 1542, Chapter 270, Statutes of 1997, established the California Work Opportunity and Responsibility to Kids (CalWORKs) Act of 1997. The Welfare-to-Work Program is the employment and training aspect of CalWORKs that replaces the previous Greater Avenues for Independence (GAIN) program. Welfare-to-Work is a comprehensive statewide employment program designed to enable participants to achieve self-sufficiency through employment.

The intent of the Welfare-to-Work Program is to provide employment and training services to virtually all adult recipients. Some of the major changes brought about by Welfare-to-Work include:

- (a) Broader service scope. By reducing the number of adults eligible for exemption, a much larger segment of the adult assistance population is required to participate in work activities.
- (b) Minimum hourly participation requirements. All participants will be required to be engaged in employment and training activities for enough hours each week to allow for substantial progress toward employment while meeting the federal participation requirements.
- (c) Limited time on aid without working. Unless exempt, recipients will be required to work or participate in community service after 18 to 24 months on aid.
- (d) Expanded supportive services. In addition to child care, transportation, and ancillary services provided under GAIN, welfare-to-work supportive services will include, but not be limited to, mental health, substance abuse, and domestic abuse services.

HANDBOOK ENDS HERE

.2 Definitions for Terms Used in This Chapter

- (a) (1) "Adult Basic Education" means a welfare-to-work activity which includes instruction in reading, writing, arithmetic, high school proficiency, or general educational development certificate instruction, and English-as-a-second-language.
- (b) Reserved

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- (c) (1) "CDSS" means the California Department of Social Services.
- (2) "Certificate" means a document issued by a two or four year accredited college, ROP/C Program, or adult education provider indicating that the individual has achieved a specified level of educational/vocational proficiency.
- (3) "Community Service" means a welfare-to-work training activity that is temporary and transitional, is performed in the public or private nonprofit sector under the close supervision of the activity provider, and provides participants with basic job skills that can lead to employment while meeting a community need.
- (4) "County Welfare Department (CWD)" means the agency that administers the CalWORKs program at the county level.
- (5) "Custodial Parent" means the parent(s) who lives with the child.
- (d) (1) "Degree" means a document issued by a two or four year accredited college or university indicating that individual has successfully completed a prescribed course of study.
- (2) "Doctor" means a health care professional who is licensed by a state to diagnose/treat physical and mental impairments that can affect an individual's ability to work or participate in welfare-to-work activities. "Doctor" includes, but is not limited to, doctors of medicine, osteopathy, chiropractic, and licensed/certified psychologists.
- (3) **ADomestic Abuse@** means assaultive or coercive behavior which includes physical abuse, sexual abuse, psychological abuse, economic control, stalking, isolation, and threats or other types of coercive behaviors occurring within a domestic relationship.
- (4) **ADomestic Relationships@** are relationships between or among:
- (A) Adults or minors who are a current or former spouse;
- (B) Adults or minors who live together or have lived together;
- (C) Adults or minors who are dating or have dated;
- (D) Adults or minors who are engaged in or who have engaged in a sexual relationship;
- (E) Adults or minors who are related by blood or adoption;

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- (h) Reserved
- (i) (1) "Intermediary Service Provider" means a public or private agency with a CWD contract that subcontracts with employers to provide training or employment to participants.
- (j) (1) "Job Creation Plan" means a county plan for local job creation. The Trade and Commerce Agency provides funding for job creation activities that will provide employment for recipients.
- (2) "Job Readiness Assistance" means a welfare-to-work activity that provides the recipient with training to learn basic job seeking and interviewing skills, to understand employer expectations, and to learn skills designed to enhance an individual's capacity to move toward self-sufficiency.
- (3) "Job Search" means a welfare-to-work activity in which the participant's principal activity is to seek employment.
- (k) Reserved
- (l) (1) "License" means a document issued by a governmental agency which grants authority to practice a trade, profession or the like.
- (m) Reserved
- (n) Reserved
- (o) Reserved
- (p) (1) "Performance-based Contract" means training or education under a contract in which payment is made to the contractor only after the achievement of a specified goal.
- (2) Repealed by EAS Manual Letter No. EAS-98-03, effective 7/1/98.
- (3) Repealed by EAS Manual Letter No. EAS-98-03, effective 7/1/98.
- (4) AProtocol@ means procedures, methods, a prescribed plan of action, or a set of rules that will govern actions.
- (q) Reserved
- (r) (1) "Refugee Cash Assistance (RCA) Welfare-to-Work Participant" means a refugee applicant or recipient who meets the requirements of MPP Section 69-206.12 and who is participating in the Welfare-to-Work Program as directed by the county plan.

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- (s) (1) "Supplemental Refugee Services (SRS) Welfare-to-Work Component" means a supplemental services component, within the CalWORKs Welfare-to-Work Program, for CalWORKs refugees who would otherwise be temporarily excepted from the full range of Welfare-to-Work services due to Welfare-to-Work funding limitations.
- (2) "Subsidized Employment" means employment in which the welfare-to-work participant's employer is partially or wholly reimbursed for wages and/or training costs.
- (3) "Supported Work or Transitional Employment" means a welfare-to-work activity that is a form of grant-based OJT in which the participant's cash grant, or a portion thereof, or the aid grant savings from employment, is diverted to an intermediary service provider to partially or wholly offset the payment of wages to the participant.
- (t) Reserved
- (u) Reserved
- (v) (1) "Volunteer" means a CalWORKs applicant or recipient who, though not required to participate in the Welfare-to-Work Program, chooses to participate.
- (w) (1) "Work Experience" means a welfare-to-work training activity in the public or private sector under the close supervision of the activity provider, that helps provide basic job skills, enhance existing job skills in a position related to the participant's experience, or provide a needed community service that shall lead to unsubsidized employment.
- (2) "Welfare-to-Work Plan" means a plan developed by the CWD and the participant that specifies the program activities in which a participant shall engage and the services that will be provided to the participant.
- (x) Reserved
- (y) Reserved
- (z) Reserved

NOTE: Authority cited: Sections 10531, 10553, and 10554, Welfare and Institutions Code. Reference: Section 8172, Education Code; Sections 10063, 10800, 11320, 11320.3(b)(3)(A), 11322.6, 11322.9, 11324.6, 11324.8, 11325.21, 11331.5, 11495, 11495.1, 11495.12, and 13280, Welfare and Institutions Code; and Sections 15365.50 and 15365.55, Government Code.

42-702	CALWORKS WELFARE-TO-WORK ENROLLMENT REQUIREMENTS	42-702
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- .1 An individual who was receiving aid in the month prior to the implementation date of CalWORKs Welfare-to-Work Program in the county shall be enrolled in the Welfare-to-Work Program no later than January 1, 1999.
- .11 The CWD may require an existing GAIN participant to enter into a new welfare-to-work plan prior to completion of the activities in the GAIN contract in which the individual is satisfactorily participating. New requirements (including, but not limited to, hours and/or activities) and services may be added to those in the contract, but no assignment(s) may be withdrawn prior to completion without the participant's written consent.
- .2 An individual whose beginning date of aid is in the month that the CalWORKs Welfare-to-Work Program is implemented in the county, or thereafter, shall be enrolled by the CWD at the time when the application for aid is granted. An individual who volunteers to participate before the application is granted shall be enrolled at the time he or she volunteers.
- .3 Enrollment is defined as sending an individual a notice that he or she is scheduled for a welfare-to-work appraisal or that he or she is required to convert their GAIN contract to a welfare-to-work plan, as appropriate.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10532(c) and 11322.8, Welfare and Institutions Code.

42-710	18- AND 24-MONTH TIME LIMITS	42-710
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- .1 Except as otherwise provided in these regulations, a parent or caretaker relative, whose beginning date of aid is in the month that the CalWORKs Welfare-to-Work Program is implemented in the county, or thereafter, is not eligible to receive aid for a cumulative period of more than 18 months, unless: 1) it is certified by the CWD that there is no job currently available for the recipient as specified in Section 42-710.5; and 2) the recipient works in unsubsidized employment and/or participates in community service activities for the required minimum hours in accordance with Section 42-711.4.
- .11 The time-limit period starts on the date the recipient signs, or refuses to sign without good cause, a welfare-to-work plan described in Section 42-711.6 et seq.
- .12 The CWD shall adopt criteria for extending the 18-month time limit for up to six months.
 - .121 The criteria adopted by the CWD shall be used to determine if:
 - (a) an extension is likely to result in unsubsidized employment; or
 - (b) employment is not available due to local employment rates or economic conditions.

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- .122 In determining whether an extension should be granted because it is likely to result in unsubsidized employment or because employment is not available, the CWD also may consider criteria related to the employability of the individual and other relevant factors.
- .2 Except as otherwise provided in these regulations, a parent or caretaker relative, who was receiving aid in the month prior to implementation of the Welfare-to-Work Program in the county, is not eligible to receive aid for a cumulative period of more than 24 months, unless: 1) it is certified by the CWD that there is no job currently available for the recipient as specified in Section 42-710.5; and 2) the recipient works in unsubsidized employment and/or participates in community service activities for the required minimum hours in accordance with Section 42-711.4.
- .21 The time-limit period starts on the date the recipient signs, or refuses to sign without good cause, a welfare-to-work plan described in Section 42-711.6 et seq.
- .3 A parent or caretaker relative recipient who has reached the 18- or 24-month time limit, who is working in unsubsidized employment for less than the required minimum hours, and for whom no job is currently available for the required number of hours, shall remain eligible for aid by participating in community service activities for the additional number of hours necessary to meet the participation requirements in accordance with Section 42-711.4.
- .31 If an individual has received aid for a cumulative period of more than 18 or 24 months, as specified in Section 42-710.1 or .2, as applicable, and returns to aid after a break in aid of at least one month, the CWD shall determine whether to require the individual to participate in community service in accordance with Section 42-711.9 or in welfare-to-work activities described in Section 42-716.
- .4 No month in which aid has been received prior to January 1, 1998 shall be taken into consideration in computing the required 18- or 24-month time limits.
- .5 For purposes of these time limits, "no job is currently available" means that the recipient has taken and continues to take all the steps to apply for appropriate positions and has not refused an offer of employment without good cause.
- .6 A month of receipt of aid shall not count toward the 18- or 24-month time limit period when it is a month in which the individual is:
- .61 Not required to participate in welfare-to-work activities because he/she is exempt from participation, in accordance with Section 42-712 et seq., and the condition is expected to last for at least 30 days,

42-710	18- AND 24-MONTH TIME LIMITS (Continued)	42-710
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- .62 Required to participate in, participating in, or exempt from the Cal-Learn Program, in accordance with Section 42-712.11.
- .63 Sanctioned and removed from the assistance unit in accordance with Section 42-721.4, or,
- .64 Participating in an approved SIP and participation is interrupted for good cause. (See Section 42-711.546.)
- .65 Identified as a past or present victim of domestic abuse and the county has waived the time limit as described in Section 42-713.221.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10532(c)(2), 11320.1(c) and (d), 11320.3(a) and (b), 11325.23(c), 11327.5(c), 11454, 11454.5(a), and 11495.1, Welfare and Institutions Code.

42-711	WELFARE-TO-WORK PARTICIPATION REQUIREMENTS	42-711
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.1 Program Information for Applicants

- .11 At the time an individual applies for aid or at the time a recipient's eligibility for aid is determined, the CWD shall do the following:
 - .111 Determine whether the individual is required to participate in welfare-to-work activities.
 - .112 Provide the individual, in writing and orally as necessary, with information including:
 - (a) A general description of education, employment, training opportunities, and the supportive services available, including transitional benefits.
 - (b) A description of the exemptions from required welfare-to-work participation provided in Section 42-712 and the consequences of a failure or refusal to participate in program components if not exempt, pursuant to Section 42-721.3.
- .12 At the time an individual is required to participate in welfare-to-work activities, he or she will receive a written preliminary determination, if applicable, that he or she is a member of a targeted group for purposes of any federal or state employer tax credit that may be operative.

.2 Cal-Learn Exclusion

- .21 The provisions of Section 42-711 shall not apply to individuals who are required to participate in, participating in, or exempt from, the Cal-Learn Program, as described in Sections 42-762 through 42-769.

42-711	WELFARE-TO-WORK PARTICIPATION REQUIREMENTS	42-711
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(Continued)

.3 Non-Cal-Learn 19-Year-Old Custodial Parents

.31 A 19-year-old custodial parent who has no high school diploma or equivalent and is not participating in Cal-Learn is required to participate in welfare-to-work activities only to earn a high school diploma or its equivalent.

.311 The CWD may determine that participation in education activities for the purpose of earning a high school diploma or equivalent is inappropriate for a 19-year-old custodial parent:

(a) On the basis of an evaluation, pursuant to Section 42-711.58, which indicates that, because of a learning disability or medical problem, the individual is unable to successfully complete or benefit from these educational activities; or

(b) If at appraisal, the parent is already in an educational or vocational program that is approvable as a SIP in accordance with Section 42-711.541.

.32 A 19-year-old custodial parent who has a high school diploma or equivalent is required to participate in welfare-to-work activities and is subject to all program requirements.

.4 Hours of Participation

.41 Adult in One-Parent Assistance Unit

.411 Unless exempt from participation, an adult recipient in a one-parent assistance unit shall participate each month in welfare-to-work activities for a minimum average per week of 32 hours.

.412 In no event shall the adult recipient participate in welfare-to-work activities less than the hours of participation required under federal law for the entire time period on aid, unless the individual is an exempt volunteer. (See Section 42-714.2.)

.42 Adult(s) in Two-Parent Assistance Unit

.421 Unless exempt from participation, an adult recipient in a two-parent assistance unit whose basis for aid is unemployment shall participate each month for an average of at least 35 hours per week in welfare-to-work activities that will meet the hours of participation required under federal law.

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(Continued)

- (a) However, both parents in a two-parent assistance unit may contribute toward the 35-hour requirement, if at least one parent meets the federal work requirement of a minimum average of 20 hours per week.
- .422 To be eligible for federally-funded CalWORKs child care, both parents shall participate to meet the family's minimum participation requirement of an average of at least 55 hours per week in welfare-to-work activities.
 - (a) The 55-hour requirement does not apply to the family if an adult in the family is disabled, caring for a severely disabled child, or if nonfederal funds are used for child care.
- .5 Assignment of Recipients to Welfare-to-Work Activities
 - .51 After aid has been granted, recipients who are not exempt in accordance with Section 42-712, shall participate in welfare-to-work activities in the following sequence.

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- .511 Division 21, which includes provisions regarding nondiscrimination and the communication needs of limited English-proficient clients, applies to welfare-to-work activities and services.

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- .52 Appraisal
 - .521 Recipients are required to participate in the appraisal specified in Section 42-711.522. At the option of the CWD, applicants may voluntarily participate.
 - .522 Prior to or during the appraisal, the CWD shall inform the individual in writing of the following:
 - (a) The requirement to participate in available welfare-to-work activities and a general description of the time limits in Section 42-710.
 - (b) A general description of the welfare-to-work program, including available activity components and supportive services.
 - (c) A general description of the rights, duties, and responsibilities of the participants, including the following:
 - (1) A list of the exemptions from the required participation, pursuant to Section 42-712;

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- (2) The consequences of a failure or refusal to take part in the program activity(ies), pursuant to Section 42-721, and the criteria for successful completion of the program;
 - (3) A description of good cause criteria for noncooperation, pursuant to Sections 42-713 and 42-721.3;
 - (4) The right to request a state hearing or file a formal grievance, pursuant to Section 42-721.5;
 - (5) The right to a third-party assessment, pursuant to Section 42-711.556.
 - (d) A statement that the participant has the following grace periods:
 - (1) Three (3) working days after the completion of the welfare-to-work plan or subsequent amendments to the plan to evaluate, and request changes to, the terms of the plan, pursuant to Section 42-711.636.
 - (2) Thirty (30) days from the beginning of the initial training or education assignment activity to request a change or reassignment to another activity, pursuant to Section 42-711.637.
 - (e) School attendance requirements for children in the assistance unit.
- .523 During the appraisal, the individual shall provide information about their employment history and skills, the need for supportive services, and any other relevant information the CWD requires in order to assign welfare-to-work activities appropriately.
- .524 If the CWD denies an individual's request to continue in a SIP, pursuant to Sections 42-711.541 and/or .542, the CWD shall notify the participant in writing that the SIP was denied, the reason(s) for the denial, and the right to appeal the denial.

42-711 (Cont.)	NONLINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY WELFARE-TO-WORK	Regulations
42-711	WELFARE-TO-WORK PARTICIPATION REQUIREMENTS (Continued)	42-711
	.53 Job Search	
	.531 Recipients are required to participate in job search activities. At the option of the CWD, applicants may voluntarily participate. Exceptions to the requirement that all recipients must participate in job search activities are as follows:	
	(a) Participation in job search has been determined not to be beneficial pursuant to Section 42-711.533.	
	(b) Participation in job search shall not be required if the job search schedule will interfere with unsubsidized employment or participation in an approved SIP as specified in Section 42-711.54.	
	(c) The individual is required to participate in, is participating in, or is exempt from Cal-Learn or is 19 years old and has not yet earned a high school diploma or equivalent certificate.	
	(1) Upon earning a high school diploma or its equivalent, the above individuals shall not be required, but may be permitted, to participate in job search activities as their first program assignments following an appraisal.	
	.532 Upon completion of the appraisal specified in Section 42-711.52, all participants, except those specified in Section 42-711.531 and .533, shall be assigned to participate for a period of up to four consecutive weeks in job search activities.	
	(a) Job search activities may include use of job clubs to identify the participant's qualifications.	
	(b) The CWD shall consider the skills and interests of participants in developing a job search strategy.	
	.533 The period of job search activities may be shortened under the following circumstances:	
	(a) The participant and the CWD agree that further job search activities would not be beneficial; or,	
	(b) The CWD determines that the recipient will not benefit because he or she may suffer from an emotional or mental disability that will limit or preclude the recipient's participation in welfare-to-work activities.	
	.534 Job search activities may be required in excess of four weeks if the CWD determines that the recipient's performance during job search indicates that extending the job search period is likely to result in unsubsidized employment.	

42-711	WELFARE-TO-WORK PARTICIPATION REQUIREMENTS	42-711
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(Continued)

.535 Individuals shall continue to seek employment throughout their participation in welfare-to-work activities.

.54 Self-Initiated Programs (SIPs)

.541 Except as provided by Section 42-711.542, any recipient who is required to participate in welfare-to-work activities in accordance with Section 42-712.1, may continue in an undergraduate degree or certificate program that leads to employment for the 18- or 24-month time periods specified in Section 42-710, as applicable, if:

(a) He or she is enrolled, as defined in Section 42-711.549, as of the earlier of:

(1) The date he or she is appraised, or

(2) The date he or she would have been appraised if he or she had not failed, without good cause, to appear for the appraisal appointment;

(b) He or she is making satisfactory progress in that program;

(c) The CWD determines that continuing in the program is likely to lead to self-supporting employment for that recipient; and

(d) The welfare-to-work plan reflects that determination.

.542 Any individual who possesses a baccalaureate degree will not be eligible to participate in a SIP unless the individual is pursuing a California regular classroom teaching credential in a college or university with an approved teacher credential preparation program.

.543 A program will be determined to lead to employment if it is on a list of programs that the CWD and local education agencies or providers agree lead to employment.

(a) The list must be agreed to annually, with the first list completed no later than January 31, 1998.

(1) By January 1, 2000, all educational providers must report data regarding programs on the list for the purposes of the report card established under Section 15037.1 of the Unemployment Insurance Code for the programs to remain on the list.

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- (b) For recipients whose program is not on the list, the CWD shall determine if the program leads to employment.
 - (1) The recipient shall be allowed to continue in the program within the 18- or 24-month time period specified in Section 42-710 if the recipient demonstrates to the CWD that the program will lead to self-supporting employment for that recipient and the documentation is included in the welfare-to-work plan.
 - (A) The CWD shall inform the recipient in writing of the process by which the recipient may demonstrate that a program not on the list of approved SIPs will lead to self-supporting employment.
- (c) Any recipient in any degree, certificate, or vocational program offered by a private postsecondary training provider will not be approved in a self-initiated training or education program unless the program is either approved or exempted by the appropriate state regulatory agency and the program is in compliance with all other provisions of the law.

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- (1) Degree, certificate, or vocational programs offered by private postsecondary schools are either: approved or exempted by the Department of Consumer Affairs, Bureau for Private Postsecondary and Vocational Education or accredited by the Western Association of Schools and Colleges.

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- .544 If participation in a SIP, as determined by the number of hours required for classroom, laboratory, or internship activities, is not at least 32 hours, the CWD shall require concurrent participation in work activities, pursuant to Sections 42-716(a) through (j) inclusive and in accordance with Section 42-711.5, to reach the 32-hour requirement.
- .545 Participation in the self-initiated education or vocational training program must be reflected in the required welfare-to-work plan.
 - (a) The welfare-to-work plan shall provide that whenever an individual ceases to participate in, refuses to attend regularly, or does not maintain satisfactory progress in the SIP, the individual shall participate in the welfare-to-work activities in accordance with Section 42-711.5.

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- .546 Any person whose previously approved SIP is interrupted for reasons that meet the good cause criteria in Section 42-713.2 may resume participation in the same program if the participant maintained good standing in the program while participating and the SIP continues to meet the approval criteria.
- (a) The CWD shall adjust the completion date of the program, accounting for the time of absence to allow the participant a cumulative time frame of 18 or 24 months as specified in Section 42-710.
- .547 Any recipient may continue until the beginning of the next educational semester or quarter break, his or her educational program that does not meet the criteria of Section 42-711.541, if:
- (a) He or she is enrolled, as defined in Section 42-711.549, as of the earlier of:
- (1) The date he or she is appraised, or
- (2) The date he or she would have been appraised if he or she had not failed, without good cause, to appear for the appraisal appointment;
- (b) He or she is making satisfactory progress in, the educational program;
- (c) He or she continues to make satisfactory progress in the program.
- .548 At the time the educational break occurs as provided in Section 42-711.547, the individual is required to participate in welfare-to-work activities pursuant to Section 42-711.51.
- (a) The time spent in the educational program will count toward the time limits specified in Section 42-710.
- (b) A recipient, described under Section 42-711.547, who is not expected to complete the program by the next break, may continue his or her education under the time frames in Section 42-710, provided:
- (1) He or she transfers at the end of the current quarter or semester to a program that qualifies under Section 42-711.541;
- (2) The CWD determines that participation is likely to lead to self-supporting employment of the recipient; and
- (3) The welfare-to-work plan reflects that determination.

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.549 For purposes of Sections 42-711.541 and .547, enrolled means that an individual has applied for and been accepted into the degree or certificate program, and continues to meet or fulfill all conditions, imposed by the institution offering the program, to maintain current enrollment status.

.55 Assessment

.551 Participants, except those excluded as provided in Sections 42-711.31, 42-711.557, and 42-719.111, shall be referred to assessment, if:

- (a) They do not obtain unsubsidized employment with sufficient hours to meet the minimum hours of participation required under Section 42-711.4;
- (b) The CWD determines that participation in job search will not be required as the first activity because it would not be beneficial, or;
- (c) The CWD decides to shorten job search because it is not likely to lead to employment.

.552 Participants who are employed in unsubsidized employment with sufficient hours to meet the minimum hours of participation required under Section 42-711.4, shall be referred to assessment if they wish to participate in additional welfare-to-work activities listed in Section 42-716. If they do not wish to participate in additional welfare-to-work activities, they may opt out of an assessment and only receive necessary supportive services.

- (a) These individuals shall be informed that if they choose to go to assessment, they will be required to sign a welfare-to-work plan and their 18- or 24-month time period will begin.
- (b) They shall also be informed that if they do not go to assessment, they will only receive necessary supportive services from the CWD.

.553 Upon referral to assessment, a participant shall work with the CWD to develop and agree on a welfare-to-work plan, on the basis of the assessment of the individual's skills and needs. The plan shall specify the activities to which the participant will be assigned and the supportive services to be provided.

.554 The assessment shall include at least all of the following:

- (a) The participant's work history and an inventory of his or her employment skills, knowledge, and abilities.
- (b) The participant's educational history and present educational competency level.

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- (c) The participant's needs including the need for supportive services in order to obtain the greatest benefit from the employment and training services offered under CalWORKs.
 - (d) An evaluation of the chances for employment given the current skills of the participant and the local labor market conditions.
 - (e) Local labor market information.
 - (f) Physical limitations or mental conditions that limit the participant's ability for employment or participation in welfare-to-work activities.
 - (g) Identification of available resources to complete the welfare-to-work plan.
- .555 The CWD may contract with outside parties, including local educational agencies and service delivery areas, to provide the assessment.
- .556 If the participant disagrees with the results of the assessment, the matter shall be referred by the CWD for an independent assessment by an impartial third party.
- (a) The results of this assessment, which shall be binding upon the county and the participant, shall be used to develop the appropriate plan for the participant.
 - (1) No state hearing shall be granted regarding an assessment used to develop a welfare-to-work plan until an independent third-party assessment has been performed.
 - (b) No third party assessment shall be made by a party having any financial or other interest in the result of the assessment. The party making the assessment must be selected by the county according to an unbiased procedure.
- .557 An assessment, described in Section 42-711.55, shall not be required to develop a welfare-to-work plan for participants in approved SIPs unless the CWD determines that an assessment is necessary to assign the participant to concurrent activities to meet the minimum 32-participation-hours per week, as specified in Section 42-711.544.
- .56 Mental Health Assessment
- If there is a concern that a mental disability exists that will impair the ability of a recipient to obtain employment, he or she shall be referred to the county mental health department.

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- .561 Subject to appropriations in the Budget Act, the county mental health department shall evaluate the recipient and determine any treatment needs.
- .562 The evaluation shall include:
- (a) The extent to which the individual is capable of employment at the present time and under what working and treatment conditions the individual is capable of employment.
 - (b) Prior diagnoses, assessments, or evaluations that the recipient provides.
- .563 Each CWD shall develop individual welfare-to-work plans for participants with mental or emotional disorders based on the evaluation conducted by the county mental health department.
- (a) The recipient's welfare-to-work plan shall include appropriate employment accommodations or restrictions, supportive services, and treatment requirements. (See Section 42-716.5, mental health treatment services.)
 - (b) Any prior diagnosis, evaluation, or assessment provided by the recipient shall be considered in the development of his or her welfare-to-work plan.

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.57 Substance Abuse Assessment

If there is a concern that a substance abuse problem exists that will impair the ability of a recipient to obtain or retain employment, he or she shall be referred to the county alcohol and drug program for an evaluation and determination of any treatment necessary for the participant's transition from welfare to work. If the CWD determines that the county alcohol and drug program is unable to provide the needed services, the county department may contract directly with a nonprofit state-licensed narcotic treatment program, residential facility, or certified nonresidential substance abuse program to obtain substance abuse services for a participant.

.571 If a participant is determined to have a substance abuse problem, based on an evaluation by the county alcohol and drug program or a state-licensed or certified nonprofit agency, the case manager shall develop the participant's welfare-to-work plan based on the results of that evaluation. In such a case, the participant's welfare-to-work plan may include appropriate treatment requirements, including assignment to a substance abuse program.

.58 Evaluation

A participant with a suspected learning or medical problem, as determined by information received during appraisal or assessment or by lack of satisfactory progress in an assigned activity component, shall be referred to an evaluation. This evaluation shall be performed by a professional whose training qualifies them to determine whether the participant is unable to successfully complete or benefit from a current or proposed activity assignment. As part of the evaluation, the CWD may require the participant to undergo the appropriate examinations to obtain information regarding the participant's learning and physical abilities.

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- .581 Based upon the results of the evaluation, the CWD may refer the participant, as appropriate, to any of the following:
- (a) Any of the welfare-to-work activities described in Section 42-716.111 including referrals to the participant's previous activities.
 - (b) Existing special programs that meet specific needs of the participant.
 - (c) Job search services if the CWD determines the participant has the skills needed to find a job in the local labor market.
 - (d) Assessment or reappraisal in accordance with Sections 42-711.55 and .7, respectively.
 - (e) Rehabilitation assessment and subsequent training.
- .582 The participant shall be involved in the decisions made during the evaluation and will have the same right to appeal through the state hearing process, specified in Section 42-721.5, as other program participants.

.6 Welfare-to-Work Plan

- .61 After assessment, any recipient of aid who is required or who volunteers to participate in welfare-to-work activities shall enter into a written welfare-to-work plan with the CWD as soon as administratively feasible.
- .611 The plan shall include the activities and services that will move the participant into employment and toward self-sufficiency.
- .612 A copy of the complete, signed plan shall be provided to the participant.
- .62 A participant shall take part in one or more welfare-to-work activities, as defined in Section 42-716, for the required minimum hours provided in the welfare-to-work plan until he or she has reached the 18- or 24-month time limit.
- .63 The plan shall be written in clear and understandable language and have a simple, easy-to-read format.
- .631 The plan shall contain at least, but is not limited to, the information provided to the individual pursuant to Sections 42-711.522(b), (c), (c)(1) and (2), and (d)(2).

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- .632 The plan shall specify, and shall be amended to reflect changes in, the participant's welfare-to-work activities, a description of needed supportive services to be provided, and specific requirements for successful completion of assigned activities including required hours of participation.
- (a) The plan shall also address school attendance of all children in the assistance unit for whom school attendance is compulsory, as specified in Section 40-105.5, and identify any participation required of the parent by the school to ensure the child's attendance. Such hours by the parent shall count toward the required hours of participation as defined in Section 42-711.4.
- .633 Participation in activities assigned under the welfare-to-work plan may be sequential or concurrent. The CWD may require concurrent participation in the assigned activities if it is appropriate to the participant's abilities, consistent with the participant's welfare-to-work plan, and the activities can be concurrently scheduled.
- .634 If the CWD determines it to be appropriate and necessary for the removal of the participant's barriers to employment, an individual who lacks basic literacy or mathematics skills, a high school diploma or general educational development certificate, or English language skills, shall be assigned to participate in adult basic education as specified in Section 42-716.111(k).
- .635 The participant shall maintain satisfactory progress in the activities to which the participant is assigned, and the CWD shall provide the necessary supportive services as set forth in the plan.
- .636 The CWD shall allow the participant three (3) working days after the completion of the welfare-to-work plan or subsequent amendments to the plan in which to evaluate, and request changes to, the terms of the plan.
- .637 The participant has 30 days from the beginning of the initial welfare-to-work activity in which to request a change or reassignment to another activity or component of the activity.
- (a) The CWD shall grant the participant's request for reassignment if another assignment is available and consistent with the individual's welfare-to-work plan and the CWD determines the other activity will readily lead to employment.
- (b) This grace period will be available only once to each participant.

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.638 If an activity to be provided under the welfare-to-work plan is not immediately available to the participant, he or she shall be assigned to job search and/or job readiness activities until the education or training activity designated in the plan is available.

- (a) Job search activities are subject to the limits described in Section 42-711.53.

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- (b) The number of weeks during which an individual's participation in job search and job readiness activities will count toward meeting the federal work participation rates is limited by federal law. See Section 42-714.3(f).

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.7 Reappraisal

.71 The CWD shall conduct a reappraisal of any participant who does not obtain unsubsidized employment upon completion of all activities in his or her welfare-to-work plan, unless the participant has reached the 18- or 24-month time limit. The reappraisal shall evaluate whether there are extenuating circumstances, as defined by the CWD, that prevent the participant from obtaining employment within the local labor market area.

.711 If the CWD determines that extenuating circumstances exist, the participant shall be assigned to additional activities consistent with the reappraisal.

.712 If extenuating circumstances do not exist, and until the CWD reverses this determination or the participant reaches the 18- or 24-month time limit, the participant is required to participate for the required minimum hours in activities that are limited to the following:

- (a) Unsubsidized employment.
- (b) Work experience as defined in Section 42-701.2(w)(1).
- (c) Self-employment.
- (d) Job skills training directly related to employment.
- (e) Mental health, substance abuse, and/or domestic abuse services in accordance with Sections 42-716.5, 42-716.6, and 42-716.111(q), respectively.

.8 Satisfactory Participation

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.81 The criteria for satisfactory participation in an assigned education or training activity include regular attendance and satisfactory progress. A participant who fails or refuses to comply with program requirements for participation in the activities assigned pursuant to Section 42-711, and whose failure to make satisfactory progress is not due to a learning or medical problem, shall be subject to compliance and sanction requirements in accordance with Sections 42-721.2 and .4, respectively.

.811 The CWD or the service provider shall inform the participant of the standards for meeting the regular attendance and satisfactory progress requirements for the program to which they are assigned.

.9 Community Service After Time Limits

.91 The participant shall remain eligible for aid only if he or she works in unsubsidized employment and/or participates in community service activities to meet the required minimum hours in accordance with Section 42-711.4, unless the Department determines that fewer hours of community service participation are required by federal law.

.911 The participant has reached the 18-month time limit (and exhausted any extension granted) or the 24-month time limit, as applicable;

.912 The participant has not found unsubsidized employment sufficient to meet the required minimum hours of participation; and

.913 The CWD has certified that no job is currently available for the participant, in accordance with Section 42-710.5.

.92 For participants who have reached the 18- or 24-month time limits, the CWD shall provide community service activities and provide supportive services as described in Section 42-716.4. The changes to the activities and supportive services shall be reflected in an amended welfare-to-work plan.

.921 A participant may take part in community service activities until he or she has received aid for a total of 60 months.

.93 Participants in community service activities shall participate in the community service activities for the number of hours required by Section 42-711.4, less the number of hours spent in unsubsidized employment.

.931 If the Department has determined that federal law precludes certain participants from participating in community service for the number of hours necessary to satisfy the participation requirement specified in Section 42-711.4, those individuals shall participate in other welfare-to-work activities for the additional number of hours necessary to satisfy the participation requirement.

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- .94 Any participant in community service activity who fails to comply without good cause shall be sanctioned in accordance with Section 42-721.4.
- .95 See Section 42-710.31 for circumstances under which the CWD may require the individual to participate in welfare-to-work activities rather than community services.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 11253.5(b), 11320.1, 11320.15, 11320.3, 11322.6, 11322.8, 11322.9, 11324.8(a) and (b), 11325.2, 11325.21, 11325.22, 11325.23(a), (b), (c), (e), and (f), 11325.25, 11325.4, 11325.5, 11325.6, 11325.7, 11325.8, 11326, 11327.4, and 11454(a), Welfare and Institutions Code; and 42 U.S.C. 607(c)(1)(A), (c)(1)(B)(ii), and (c)(2)(A)(i).

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- .1 Every individual is required to participate in welfare-to-work activities as a condition of eligibility for cash aid under CalWORKs, unless exempt in accordance with Sections 42-712.41 through .49 or excused from participation as specified in Section 42-712.11 or .12:
 - .11 An individual who is required to participate in, is participating in, or is exempt from, the Cal-Learn Program described in Sections 42-762 through 42-769. These individuals are subject to Cal-Learn Program requirements in lieu of the welfare-to-work requirements, while the Cal-Learn Program is operative.
 - .12 A second parent in a two-parent assistance unit, whose basis for aid is unemployment, who is not required to participate in welfare-to-work activities because the first parent is meeting the required participation hours described in Section 42-711.42.
- .2 Exemptions specified in Sections 42-712.41 through 42-712.48 shall not apply to individuals who are required to participate in, are participating in, or are exempt from, the Cal-Learn Program described in Sections 42-762 through 42-769.
- .3 Recipients are required to provide the documentation that is necessary to substantiate any claim to an exemption.
 - .31 CWDs shall advise recipients about the range of documents that is acceptable to verify exemption.
- .4 Individuals who meet any of the criteria specified in Sections 42-712.41 through 42-712.49 are exempt from participating in welfare-to-work activities as a condition of eligibility for cash aid under CalWORKs for so long as the condition(s) described in such sections exist.

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.41 Exemption Based on Age Under 16

.411 A child under 16 years of age is exempt from participating in welfare-to-work activities.

.42 Exemption Based on School Attendance

.421 An individual 16, 17, or 18 years of age is exempt from welfare-to-work participation when he/she is attending full-time, a school in grade twelve or below, or vocational or technical school. An individual who is 16 or 17 years old or a custodial parent who is under 20 years old described in Section 42-711.3 and whose required welfare-to-work activity is to attend school shall not requalify for the exemption in this section by attending school as a required welfare-to-work activity, in accordance with Section 42-719.

(a) A full-time program shall be as defined by the school.

.43 Exemption Based on Age 60 or Older

.431 An individual who is 60 years of age or older is exempt from participating in welfare-to-work activities.

.44 Exemption Based on Disability

.441 An individual who has a disability is exempt from welfare-to-work participation when the following conditions exist:

(a) The disability is expected to last of at least 30 calendar days; and

(b) The disability significantly impairs the individual's ability to be regularly employed or participate in welfare-to-work activities.

.442 To qualify for this exemption, the individual shall do all of the following:

(a) Provide verification from a doctor as defined in Section 42-701.2(d)(2) that includes the disability, the expected duration of the disability, and the extent to which the disability impairs employment and/or participation in the welfare-to-work activities; and

(b) Actively seek appropriate medical treatment, as verified by a doctor as defined in Section 42-701.2(d)(2).

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- .443 The exemption may be reviewed at the time the condition is expected to end, or sooner if there is reason to believe that there has been a change in the condition.
- .45 Exemption Based on an Aided Nonparent Relative Caring for a Child Who Is a Dependent or Ward of the Court or a Child at Risk of Placement in Foster Care
- .451 An aided nonparent caretaker relative who has primary responsibility for providing care for a child is exempt from welfare-to-work participation when he or she is caring for a child who:
- (a) Is a dependent or ward of the court, or
 - (b) The county has determined is at risk of placement in foster care.
- .452 For an aided nonparent caretaker relative to qualify for this exemption, the CWD shall determine that his or her caretaking responsibilities:
- (a) Are beyond those considered normal day-to-day parenting responsibilities, and
 - (b) Impair the caretaker relative's ability to be regularly employed or to participate in welfare-to-work activities.
- .46 Exemption Based on the Care of an Ill or Incapacitated Member of the Household
- .461 An individual is exempt from participating in welfare-to-work activities when his/her presence in the home is required because of the illness or incapacity of another member of the household.
- (a) For an individual to qualify for this exemption, the CWD shall determine that the caretaking responsibilities impair the ability of the **individual** to be regularly employed or to participate in welfare-to-work activities.
- .47 Exemption Based on the Care of a Child
- .471 The parent or other relative who has primary responsibility for personally providing care to a child six months of age or under is exempt from welfare-to-work participation.
- (a) An individual shall be eligible for the exemption in Section 42-712.47 only one time under the CalWORKs Program.
 - (b) On a case-by-case basis, the CWD may reduce the period of exemption to the first 12 weeks, or increase it to the first 12 months, after the birth or adoption of the child.

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- (1) The CWD shall establish criteria by which the period of exemption in Section 42-712.471 is reduced or extended.
 - (A) In making the determination to extend the period of exemption after the birth or adoption of a child, the CWD may consider the availability of child care, local labor market conditions, and other factors the CWD determines are applicable.
 - (c) The exemption in Section 42-712.47 shall apply to a 19-year old custodial parent described in Section 42-711.31.
- .472 An individual who has previously received the exemption in Section 42-712.471 shall be exempt for a period of 12 weeks upon the birth or adoption of any subsequent children.
 - (a) The CWD may extend the period for an exemption in Section 42-712.472 to six months on a case-by-case basis.
 - (1) The CWD shall establish criteria by which the period specified in Section 42-712.472 is extended.
 - (A) In making the determination to extend the period of exemption after the birth or adoption of a child, the CWD may consider the availability of child care, local labor market conditions, and other factors the CWD determines are applicable.
- .473 In a family eligible for aid due to the unemployment of the principal wage earner, the exemption in Section 42-712.47 shall apply to only one parent.
- .48 Exemption Based on Pregnancy
 - .481 A woman who is pregnant is exempt from welfare-to-work participation if the pregnancy impairs her ability to be regularly employed or participate in welfare-to-work activities.
 - (a) The exemption based on pregnancy is supported by medical verification that the pregnancy impairs the woman's ability to be regularly employed or participate in welfare-to-work activities.
 - .482 An exemption based on a medically-verified pregnancy may also be granted when the CWD determines that participation will not readily lead to employment or that a training activity is not appropriate.

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.49 An individual is exempt if he/she is a full-time volunteer in the Volunteers in Service to America (VISTA) Program, as provided by Title I of the Federal Domestic Volunteer Act of 1973.

.491 This exemption is supported by either of the following:

(a) a copy of a Domestic Volunteer Earnings Statement or

(b) a written verification from the VISTA sponsor or the Federal Region IX ACTION/VISTA Office.

.5 Any individual who is not required to participate may volunteer to participate in welfare-to-work activities and may end that participation at any time without loss of eligibility for aid, provided his or her status has not changed in a way that requires participation.

.51 An individual who is exempt but who volunteers to participate is not subject to the 18- or 24-month time limits described in Section 42-710, provided his or her status has not changed in a way that requires participation.

.52 An individual who is not required to participate for reasons other than the exemptions described in Sections 42-712.41 through .48, but who volunteers to participate, is subject to the 18- or 24-month time limits described in Section 42-710.

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.521 For example, in a two-parent assistance unit, whose basis for aid is unemployment, the second parent is not required to participate when the first parent is meeting the required participation hours. However, if the second parent chooses to participate, he/she is subject to the 18- or 24-month time limits.

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.6 The impact of exemptions on the 18- or 24-month time limit is found at Section 42-710.6.

.7 Any month in which an individual is exempt from participation in welfare-to-work activities based on the following exemption criteria shall not be taken into consideration as a month of receipt of aid in computing the 60-month time limit described in Section 42-302. Other exclusions from the 60-month time limit are listed in Section 42-302.

.71 Being age 60 or older as described in Section 42-712.43;

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- .72 Having a disability as described in Section 42-712.44; or
- .73 Having caretaking responsibilities that impair a recipient's ability to be regularly employed, as described in Sections 42-712.45 and .46.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10553, 10554, 10063(b), 11253.5, 11320, 11320.3, 11331.5(a), (b), (c), and (d), 11454, and 11454.5, Welfare and Institutions Code; and 42 U.S.C. 5044(f)(2).

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- .1 A recipient shall be excused from participation in welfare-to-work activities for good cause in accordance with Section 42-713.2, when the CWD determines there is a condition or other circumstance that temporarily prevents, or significantly impairs, the individual's ability to be regularly employed or to participate in welfare-to-work activities.
 - .11 The CWD shall review the continuing validity of the good cause determination as necessary, but at least every three months.
 - .12 The individual shall cooperate with the CWD and provide information, including written documentation, as required to complete the review.
- .2 Conditions that may be considered good cause for not participating in welfare-to-work activities include, but are not limited to, any of the following:
 - .21 Lack of necessary supportive services.
 - .22 The applicant or recipient is a victim of domestic abuse.
 - .221 Program requirements, including time limits on receipt of assistance described in Sections 42-710 and 42-300, and welfare-to-work requirements described in Section 42-711 may be waived for an individual who is a victim of domestic abuse (as defined in Section 42-701(d)(3)) on a case-by-case basis, but only for so long as necessary, in accordance with Section 42-715.
 - (a) The criteria for granting waivers shall include provisions that ensure:
 - (1) Applicants and recipients who are past or present victims of abuse are not placed at further risk or unfairly penalized by CalWORKs requirements and procedures;

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- (2) Program requirements are not created or applied in such a way as to encourage a victim to remain with the abuser; and
- (3) Participation by CalWORKs recipients in welfare-to-work activities is encouraged, to the full extent of their abilities, including participation in counseling and treatment programs, as appropriate, to enable the recipient to obtain unsubsidized employment and move toward self-sufficiency.

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- (b) Waivers of time limits granted pursuant to this section shall not be implemented if federal statutes or regulations clarify that abuse victims are included in the 20 percent hardship exemptions and that no good cause waivers of the 20 percent limit will be granted to the state for victims of abuse, thereby incurring a penalty to the state.
- (c) Waivers of the work requirements granted pursuant to this section shall not be implemented if federal statutes or regulations clarify that the state will be penalized for failing to meet work participation requirements due to granting waivers to abuse victims.

HANDBOOK ENDS HERE

- .23 Licensed or license-exempt child care is not reasonably available during the individual's hours of training or employment, including commuting time, or arrangements have broken down or have been interrupted for the following children:
 - .231 A child 10 years of age or younger, or
 - .232 A child 11 years of age or older as described in Section 47-201.22 or .23, or
 - .233 A child who is in foster care or is an SSI recipient and who is not included in the assistance unit.
- .24 Good cause criteria in Section 42-713.23 includes the unavailability of suitable special needs child care for children with identified special needs including, but not limited to, disabilities or chronic illnesses.
- .25 For purposes of Sections 42-713.23 and 42-713.24, reasonably available means at least one appropriate, suitable, and affordable child care arrangement that is commonly available in the participant's community to a person who is not receiving aid, that is available to parents during the hours that they are required to participate in county-approved activities or employment, and is within a reasonable distance from the participant's home or work site.

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- .251

Appropriate and suitable child care is child care that meets the needs of the child and the parent, and meets one of the following requirements:

 - (a) Child care that is licensed for the appropriate age group or special needs category.
 - (b) License exempt child care that meets Trustline clearance requirements, unless that child care is exempted from Trustline.
 - (c) Suitable child care provided by the parent, legal guardian, other member of the assistance unit, or an eligible provider as defined by Section 47-260.
 - (1) Informal child care is unsuitable where the individual(s) providing the care cannot be Trustline registered in accordance with Section 47-600 or who would otherwise be denied payment for child care services that are exempt from licensure, due to a violent felony conviction, in accordance with Section 47-620.2.
- .252

Affordable child care is child care where the unreimbursed cost to the family does not exceed the family fees established by the state in accordance with Sections 47-401.7 and .8.
- .253

Reasonable distance means the distance customarily traveled by working families in accessing child care services in the community.
- .3

An individual shall have good cause for not complying with program requirements if he or she meets the criteria described in Section 42-721.3.
- .4

An individual who is excused from welfare-to-work participation for good cause is subject to the 18- or 24-month time limits described in Section 42-710 and the 60-month time limit in Section 42-302.
- .41

A CWD may waive the 18- or 24-month and/or 60-month time limits for victims of domestic abuse as provided in Section 42-713.221(a).
- .42

An individual who has good cause for an interruption in participating in a SIP may have their 18- or 24-month time limits adjusted as provided in Section 42-711.546.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 11320.3(b) and (f), 11323.2, 11325.23(c), 11454.5, 11495, and 11495.1, Welfare and Institutions Code; 42 U.S.C. 607(e)(2); and 45 CFR 261.15.